



Entered on Docket  
September 16, 2011

A handwritten signature in dark ink, appearing to read "Linda B. Riegle".

Hon. Linda B. Riegle  
United States Bankruptcy Judge

**LEWIS AND ROCA LLP**

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*Attorneys for USACM Liquidating Trust*

**UNITED STATES BANKRUPTCY COURT  
DISTRICT OF NEVADA**

In re:

USA COMMERCIAL MORTGAGE  
COMPANY,

Debtor.

Case No. BK-S-06-10725-LBR  
Chapter 11

**Order Sustaining Fifth Omnibus Objection  
Of USACM Trust To Proofs Of Claim  
Based In Part Upon Investment In The  
Fox Hills 216, LLC Loan**

Hearing Date: August 30, 2011  
Hearing Time: 10:30 a.m.

The Court having considered the "Fifth Omnibus Objection Of USACM Trust To Proofs Of Claim Based In Whole or In Part Upon Investment in The Fox Hills 216, LLC, Loan," ("Fox Hills Loan") [DE 8616] (the "Objection"); the Court having heard the Objection on August 30, 2011; appropriate notice of the Objection having been given; no response to the Objection having been filed; the Court noting on the record that the disallowance of the Claims listed on **Exhibit A** does not affect the direct lenders' right to

1 repayment by the borrower or from the collateral securing the Fox Hills Loan; and good  
2 cause appearing:

3 **IT IS ORDERED** that:

- 4 1. The Objection [DE 8616] is sustained; and  
5 2. The claims listed on **Exhibit A** attached are disallowed to the extent those  
6 claims are based upon an investment in the Fox Hills Loan.

7  
8 PREPARED AND RESPECTFULLY SUBMITTED BY:

9  
10 **LEWIS AND ROCA LLP**

11 By /s/ John Hinderaker (AZ #018024)

12 Robert M. Charles, Jr.

13 John Hinderaker (*pro hac vice*)

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## LOCAL RULE 9021 CERTIFICATION

In accordance with LR 9021, counsel submitting this document certifies that the order accurately reflects the court's ruling and that (check one):

\_\_\_\_\_ This Court has waived the requirement set forth in LR 9021(b)(1).

XXX No party appeared at the hearing or filed an objection to the motion.

\_\_\_\_\_ I have delivered a copy of this proposed order to all counsel who appeared at the hearing, and any unrepresented parties who appeared at the hearing, and each has approved or disapproved the order, or failed to respond, as indicated below [list each party and whether the party has approved, disapproved, or failed to respond to the document]:

Counsel appearing: \_\_\_\_\_

\_\_\_\_\_ I certify that this is a case under Chapter 7 or 13, that I have served a copy of this order with the motion pursuant to LR 9014(g), and that no party has objected to the form or content of the order

U.S. Trustee: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input checked="" type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document
Other Party: _____	
<input type="checkbox"/> approved the form of this order	<input type="checkbox"/> disapproved the form of this order
<input type="checkbox"/> waived the right to review the order and/or	<input type="checkbox"/> failed to respond to the document

Submitted by:  
LEWIS AND ROCA LLP

By: /s/ John Hinderaker. (AZ #018024)  
Attorneys for USACM Liquidating Trust

# # #

**USACM Trust  
Fox Hills 216, LLC  
Multiple Loan Claims**

<b>Claim</b>	<b>Date Claim was Filed</b>	<b>Name</b>	<b>Address</b>	<b>Total Claim Amount</b>	<b>Approximate Amount Subject to Objection Because it Relates to an Investment In the Foxhill 216, LLC Loan</b>
10725-01623	12/8/2006	Addes IRA, Kenneth	100 W Broadway Apt 7V Long Beach, NY 11561	380,878.66	50,000.00
10725-02366	1/16/2007	Al-Awar Living Trust Dtd 4/05/01	Adib M & Ellen A Al-Awar Ttees 1330 Burro Ct Gardnerville, NV 89410	3,615,913.62	100,000.00
10725-02160	1/12/2007	Ayers, C Donald	3115 W Ravina Ln Phoenix, AZ 85086-1031	130,313.62	50,000.00
10725-02397	1/16/2007	Banos, William A & Angel J	7431 Dorie Dr West Hills, CA 91307-5277	564,000.00	85,000.00
10725-01431	12/6/2006	Bartkowski Family Trust	Clark & Jean P.O. Box 1180 Darby, MT 59829	40,000.00	25,000.00
10725-01090	11/7/2006	Carpenter, Michael R & Anne M	687 W Ella Dr Corrales, NM 87048-7248	126,121.77	55,170.24
10725-01555	12/6/2006	Castillo, Tito	13390 Parkside Ter Cooper City, FL 33330	423,845.13	118,336.37
10725-01973	1/10/2007	Charles Henry Small Revocable Living Trust	Charles H Small Ttee 12450 E 38Th Place Yuma, AZ 85367	272,896.04	60,000.00
10725-01649	12/11/2006	Church Of The Movement Of Spiritual Inner Awarness	Po Box 513935 Los Angeles, CA 90051	125,000.00	25,000.00
10725-02038	1/11/2007	Collins Family Trust Dated 1/29/93	C/O Shirley M Collins Trustee 1975 Snowberry Ct Carlsbad, CA 92009-8408	1,760,380.48	50,000.00

**EXHIBIT A**

2415824.1